

House File 338 - Introduced

HOUSE FILE 338

BY KAUFMANN

A BILL FOR

1 An Act relating to the criminal offense of homicide by vehicle
2 and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 707.6A, subsection 2, paragraph a, Code
2 2011, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 a. Driving a motor vehicle while committing an offense
5 listed in section 321.482A, if the death of another person
6 either directly or indirectly results from the commission of
7 the offense listed in section 321.482A.

8 EXPLANATION

9 This bill relates to the criminal offense of homicide by
10 vehicle.

11 The bill strikes a provision specifying that an operator of
12 a motor vehicle commits homicide by vehicle if the operator
13 drives a motor vehicle in a reckless manner with willful or
14 wanton disregard for the safety of persons or property and
15 unintentionally causes the death of another.

16 The bill substitutes for the stricken provision a provision
17 that specifies that an operator of a motor vehicle commits
18 homicide by vehicle if the operator drives a motor vehicle
19 while committing an offense listed in Code section 321.482A
20 and the unintentional death of another person directly or
21 indirectly results from the commission of the offense listed
22 in Code section 321.482A. The offenses listed in Code section
23 321.482A include Code sections 321.178(2)(a)(2) (restricted
24 licensee using an electronic communication), 321.180B(6)
25 (use of electronic devices and equipment), 321.194(1)(c)
26 (special minor's licenses and use of electronic communication),
27 321.256 (obedience to official traffic-control devices),
28 321.257 (official traffic-control signal), 321.275(4) (use
29 of traffic lanes), 321.276 (use of electronic communication
30 device while driving), 321.297 (driving on right-hand side
31 of roadway), 321.298 (meeting and turning to right), 321.299
32 (overtaking on the right), 321.302 (overtaking and passing),
33 321.303 (limitations on overtaking on the left), 321.304
34 (prohibited passing), 321.305 (one-way roadways and rotary
35 traffic islands), 321.306 (roadways laned for traffic), 321.307

1 (following too closely), 321.308 (motor trucks and towed
2 vehicles), 321.309(2) (towing — convoys), 321.311 (turning at
3 intersections), 321.319 (entering intersections from different
4 highways), 321.320 (left turns — yielding), 321.321 (entering
5 through highways), 321.322 (vehicles entering stop or yield
6 intersection), 321.323 (moving vehicle backward on highway),
7 321.323A (approaching certain stationary vehicles), 321.324
8 (operation on approach of emergency vehicles), 321.324A
9 (funeral processions), 321.327 (pedestrians' right-of-way),
10 321.329 (duty of driver — pedestrians crossing or working
11 on highways), or 321.333 (duty of drivers regarding blind
12 pedestrians).

13 A person who violates the bill commits a class "C" felony and
14 is subject to suspension of the person's driver's license under
15 Code section 321.210D upon being charged, and is subject to
16 mandatory revocation of the driver's license under Code section
17 321.209 upon conviction.

18 A person who commits vehicular homicide under the bill
19 is also subject to a 70 percent sentence pursuant to Code
20 section 902.12 if the person leaves the scene of an accident in
21 violation of Code section 321.261(4).

22 A class "C" felony is punishable by confinement for no more
23 than 10 years and a fine of at least \$1,000 but not more than
24 \$10,000.